

REMARKS

In the Office Action,¹ the Examiner rejected claims 1-2, 5, 7-8, 13-15, 18-19, 24-25, 28, 30-31, 36-38, 41-42, 47-48, 51, 53-54, 59-61, and 64-65 under 35 U.S.C. § 103(a) as obvious over Sim (U.S. Patent Application Publication No. 2003/0031176) in view of Bishop (U.S. Patent No. 5,829,023); rejected claims 3-4, 26-27, and 49-50 under 35 U.S.C. §103(a) as unpatentable over Sim in view of Bishop and in further view of Farber et al. (U.S. Patent No. 6,415,280); and rejected claims 9-12, 16-17, 32-35, 39-40, 55-58, and 62-63 under 35 U.S.C. § 103(a) as unpatentable over Sim in view of Bishop and in further view of Cabrera et al. (U.S. Patent No. 6,490,666).

Applicant respectfully traverses the rejection of claims 1-2, 5, 7-8, 13-15, 18-19, 24-25, 28, 30-31, 36-38, 41-42, 47-48, 51, 53-54, 59-61, and 64-65 under 35 U.S.C. § 103(a) as unpatentable over Sim in view of Bishop.

Claim 1 recites a method for managing files in a file system, comprising, among other things, "copying at least one of the segments in the primary storage onto a secondary storage; and releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage." Sim and Bishop do not disclose or suggest at least these features.

¹ The Office Action contains a number of statements reflecting characterizations of the related art and the claims. Regardless of whether any such statement is identified herein, Applicants decline to automatically subscribe to any statement or characterization in the Office Action.

By contrast, the Sim system includes a content management server, which may issue a clean or similar packet to notify a distribution server located at the same node that it needs to remove a file. Paragraph 109. The distribution server issues a “clean_ack” packet to acknowledge that the file will eventually be removed when ready. Paragraph 109. A clean or equivalent command is issued by the distribution server to neighboring nodes requesting deletion of the file and its related file metadata from all of the stations in the SCDN. Paragraph 109. Accordingly, a clean command issued by Sim deletes a file from both the distribution server and its neighboring nodes. Deleting a file from a distribution server and neighboring nodes, however, does not constitute “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage,” as recited in claim 1.

Moreover, the Examiner concedes that Sim does not explicitly teach “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage,” as recited in claim 1. See Office Action, page 4. The Examiner alleged, however, that Bishop makes up for the shortcomings of Sim. Applicant disagrees.

Bishop merely discloses that files within a local hard drive of a portable computer may be deleted or moved to a file server depending upon their date of last use and frequency of use. See col. 4, lines 30-37. Files having a high frequency of use may be

retained on the local hard drive, regardless of their date of last use, as determined by a file caching algorithm. See col. 4, lines 30-37. Bishop, however, does not disclose or suggest at least “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage,” as recited in claim 1. Bishop merely discloses deleting or moving files, and does not disclose or suggest management of segments. Furthermore, Bishop does not disclose or suggest Applicant's claimed method that releases “at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage,” as recited in claim 1.

To support the Examiner's allegations, the Examiner alleged that these features recited in claim 1 were disclosed by the Abstract, Background of the Invention, Summary of the Invention, Figures 1 and 2, and the corresponding portions of Bishop's specification. See Office Action, page 4. These citations in the Office Action, however, constitute nearly the entire Bishop reference and do not identify with any specificity the teachings in Bishop that correspond to “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released from the secondary storage,” as recited in claim 1. In this regard, Applicant respectfully notes that the Examiner is

obligated to show how the prior art teaches all claim elements. See M.P.E.P. § 2121.

The rejection, therefore, is improper for at least this additional reason. Accordingly, the Examiner has not demonstrated that the pending claims are obvious in view of the cited references, whether taken alone or in combination.

Independent claims 24 and 47, while of a different scope, include recitations similar to those of claim 1. Accordingly, Applicant respectfully requests the Examiner to allow claims 1, 24, and 47. Claims 2, 5, 7-8, 13-15, and 8-19; 25, 28, 30-31, 36-38, and 41-42; and 48, 51, 53-54, and 59-61, respectively, depend from claims 1, 24, and 47. These dependent claims are therefore also allowable at least due to their dependency from allowable claims.

Applicant respectfully traverses the rejection of claims 3-4, 26-27, and 49-50 under 35 U.S.C. §103(a) as unpatentable over Sim in view of Bishop and in further view of Farber. These claims respectively depend from claims 1, 24, and 27, each of which recite “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released,” as noted previously. As discussed above, Sim and Bishop fail to teach at least these elements. Moreover, Farber does not make up for the deficiencies of Sim and Bishop. Instead, Farber discloses using a data identifier for a data item to provide the data item from a network of servers. However, Farber does not disclose or suggest “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied

to the secondary storage is not released,” nor does the Examiner reply on Farber for such teachings. Claims 3-4, 26-27, and 49-50 are thus allowable at least due to their dependence from claims 1, 24, and 27.

Applicant respectfully traverses the rejection of claims 9-12, 16-17, 32-35, 39-40, 55-58, and 62-63 under 35 U.S.C. § 103(a) as unpatentable over Sim in view of Bishop and in further view of Cabrera. These claims respectively depend from claims 1, 24, and 27, which each recite “releasing at least one of the segments copied from the primary storage when copied to the secondary storage, wherein space used by the released segment in the primary storage is available for use and the at least one segment copied to the secondary storage is not released.” As discussed above, Sim and Bishop fail to teach at least these elements. Carbrera, which discloses buffering data from a file in a hierarchical data storage system, does not cure the above-noted deficiencies of Sim and Bishop. Accordingly, claim 9-12, 16-17, 32-35, 39-40, 55-58, and 62-63, are also allowable at least due to their corresponding dependence from claims 1, 24, and 47.

CONCLUSION

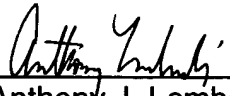
In view of the foregoing remarks, Applicant respectfully requests reconsideration and reexamination of this application and the timely allowance of the pending claims.

Please grant any extensions of time required to enter this response and charge any additional required fees to our deposit account 06-0916.

Respectfully submitted,

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